

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 95-22
June 27, 1998

RE: Is the term "regulated by" to be broadly interpreted?

DECISION: Yes, in this case.

This opinion is in response to your May 16, 1995, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 27, 1995, meeting of the Commission, and the following opinion is issued.

You provide the relevant facts as follows. The terms "are regulated by" appear in many advisory opinions which prohibit state employees from engaging in certain activities with outside entities. The Cabinet for which you work regulates all commercial entities that are subject to state tax laws. You ask whether "regulated by" is intended to be that broad, and for an opinion as to the applicability to the Revenue Cabinet and its employees of the prior opinions which prohibit certain relationships with regulated entities.

Your inquiry apparently was prompted by the Cabinet's plans to proceed with charitable activities involving food items donated by commercial entities whose tax matters are regulated by the Cabinet.

Based on the reasoning in our Advisory Opinion 94-51, and others, we believe Cabinet employees should not solicit or accept food or other items from regulated entities, even for charitable purposes. Such actions put pressure on those who are regulated to donate in order to establish or maintain a positive relationship with the Cabinet and could affect public confidence in the impartial treatment of all taxpayers.

EXECUTIVE BRANCH ETHICS COMMISSION

BY: Livingston Taylor, Chairman